

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

SHANNON MARK DOUTHIT
Plaintiff

§

JUN 15 2023

V.

§

CIVIL ACTION NO. 4:19-CV-01712

Nathan Ochsner, Clerk of Court

STATE OF TEXAS, et al
Defendants

§

PLAINTIFF'S 2nd MOTION FOR CONTINUANCE OF DISCOVERY
PURSUANT TO FED. R. CIV. P. 56(d)

TO THE HONORABLE JUDGE:

Comes Now, Shannon Mark Douthit, Plaintiff, asking this Court
for permission for further discovery.

1. Plaintiff ask this to liberally grant this motion because Plaintiff was denied appointment of counsel and plaintiff is filing pro se and is a layman at law.
2. Defendants' Answers to Plaintiff's Interrogatories are not made on personal knowledge of defendants, because most of the interrogatories have the same answer, obviously from their counsel.
3. Defendants' Exhibit A (affidavit) supporting Defendants' Motion For Summary Judgment is not made on personal knowledge of affiant but an interpretation to fit the defendants' contention that Plaintiff's physical injuries are not connected to the major shakesowns in question despite Plaintiff's Exhibits also attached to this Motion.
4. Defendants' Exhibit B (affidavit) supporting Defendants' Motion For Summary Judgment is not made on personal knowledge of affiant, but support defendants' contention accomodations for handicapped inmates were made available during major shakedown. Plaintiff has repeatedly sought disclosure of video footage that would have showed inmates were being forced to carry their personal property during major shakedowns in question and accomodations of rolling carts, commissary chain bags nor multiple trips were made available for inmates to move their property to and from the Gymnasium.
5. Disclosure of grievances filed by other inmates concerning the major shakedowns in question would further prove that handicapped

inmates were being forced to carry their personal property.


Even Counsel for Class action members of 4:14-CV-01698 were requesting for preservation of video footage of the major shakedowns 2018.

6. Injury Reports from UTMB would further show Plaintiff has been diligently seeking would show that Plaintiff wasn't the only one injured during major shakedown.
7. Further Discovery would provide a genuine issue of material fact that Plaintiff has been diligently seeking. After all video footage doesn't lie.

PRAYER

Wherefore premises considered, Plaintiff requests further Discovery for Video Footage of major shakedowns 2018, Emergency Reports from UTMB concerning the major shakedowns in question, and Grievances filed by other inmates concerning the major shakedowns in question 2018.

Date: 6-13-2023


Shannon Mark Douthit

UNSWORN DECLARATION

I, Shannon Mark Douthit, TDCJ #453033, Plaintiff, is incarcerated at the Pack 1 Unit, Grimes County, Texas declares the above facts are true and correct under the penalty of perjury.

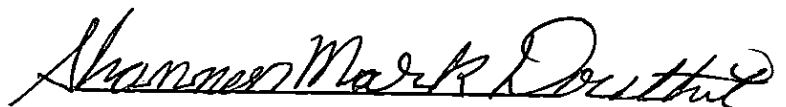
Executed on this 13th day of June 2023.


Shannon Mark Douthit

CERTIFICATE OF SERVICE

I, Shannon Mark Douthit, TDCJ #453033, Plaintiff, hereby certifies that defendants have been served a carbon copy of the same Motion by U.S. Mail.

Date: June 13, 2023.



See attachments



Texas Department of Criminal Justice

STEP 1

OFFENDER GRIEVANCE FORM

Offender Name: Shannon Douthit TDCJ # 453033
 Unit: P1 Housing Assignment: 20-009
 Unit where incident occurred: Pack 1

COPY

OFFICE USE ONLY

Grievance #: 2018145916
 Date Received: JUN 07 2018
 Date Due: 7/22/18
 Grievance Code: 637
 Investigator ID #: F2598
 Extension Date: _____
 Date Retd to Offender: JUL 24 2018

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Ms Chukuwumerije, NDI, NP When? 6-6-2018

What was their response? You don't qualify for heat restriction, but I'll reduce your lifting restriction.

What action was taken? Lifting restriction reduced and no treatment or examination for condition.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On June 6, 2018, I went to Infirmary because I've been having dizzy spells and stomach complications of feeling nasueated that began August 2017 due to heat extremes. Ms Chukuwumerije, NP, said I didn't qualify for a heat restriction. I informed Ms Chukuwumerije that line "K" on page 3 of Document 1065 filed March 27, 2018 states that Obesity is a heat sensitive Medical condition with a BMI above 30. My BMI is above 35 because I'm 6 feet tall and weigh 300 pounds. Ms Chukuwumerije, NP, reduced my lifting restriction from 50 to 30 pounds because Lt. Temple and Lt. Peralta forced me to carry my personal property during major shakedown 5-23-2018 and exceed my lifting restriction. There was no air-conditioning in Gym or Hallway. My heat sensitive conditions of feeling dizzy began in August 2017. Everytime I would try to seek medical attention Ms Crawford, LVN, Would run me off. On 4-24-2018, I sent Sickcall Request (I-60) to Infirmary. On 4-25-2018, I was scheduled for Physicians Sickcall. Ms Simpson was working Infirmary and she ran me off.

While I was being forced to carry my personal property 5-23-2018, I became hot, dizzy, and naseaous.

COPY

Action Requested to resolve your Complaint. Proper Examination and treatment for condition
and Heat-Sensitive Medical Restriction.

Offender Signature: Shannon Douthitt Date: 6-7-2018

Grievance Response:

Offender Douthitt,

You were seen on 6/6/18 due to getting hot and dizzy. Medical saw you, and once cooled off released you to security. The provider will only give what they determine to be medically necessary after review of your medical history and complaint. No further action warranted.

Signature Authority: Kellan Hether Date: 6/25/18
If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response.
State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____
Grievance #: _____
Screening Criteria Used: _____
Date Recd from Offender: _____
Date Returned to Offender: _____
2nd Submission UGI Initials: _____
Grievance #: _____
Screening Criteria Used: _____
Date Recd from Offender: _____
Date Returned to Offender: _____
3rd Submission UGI Initials: _____
Grievance #: _____
Screening Criteria Used: _____
Date Recd from Offender: _____
Date Returned to Offender: _____

Grievance# 2018145916



Texas Department of Criminal Justice
STEP 2
OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY

Grievance # 2018145916
 UGI Recd Date: SEP 07 2018
 HQ Recd Date: SEP 14 2018
 Date Due: 10/22/18
 Grievance Code: 637
 Investigator ID#: I0352
 Extension Date: _____

Offender Name: Shannon Douthit TDCJ# 453033Unit: Pack 1 Housing Assignment: 20-009Unit where incident occurred: Pack 1

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). *I am dissatisfied with the response at Step 1 because...*

Signature Authority on Step 1 grievance was being deliberately indifferent

toward my heat sensitive medical condition as has UTMB medical staff at
 Pack 1 Unit. Obesity as determined by the Federal Court 4:14-CV-01698

is a heat sensitive medical condition, and Medical Provider, Ms
 Chukwumerije, NP, was being deliberately indifferent toward my heat:

sensitive medical condition. Signature Authority on Step 1 grievance
 acknowledged that on 6/6/2018 I was hot and dizzy due to heat, and once
 cooled off, I was released to security. I was suffering heat exhaustion

on 5-23-2018 when Lt. Temple and Lt. Peralta forced me to carry my

personal property during major shakedown and forcing me to exceed my
 lifting restriction of 50 pounds, which Ms Chukwumerije reduced to 30

pounds. I rubbed a sore on my amputated leg. Ms Chukwumerije did not
 treat the sore on my leg nor did she recommend treatment. I saw another

Provider on July 2, 2018 and was given a referral for shoes. The Provider
 ordered dressing changes on leg, and the nurses neglected to comply with

the Provider's recommendation. On July 9, 2018, I saw Mr. BayBrook,

Medial Provider, by DMS and he recommended that I be given supplies to

treat stump and X-ray. I submitted another request to Infirmary because

Pack 1 Medical staff didn't comply with BayBrook's recommendation, and

finally on July 14, 2018 Ms Jandt, Nurse, gave me supplies: Gauze pads,
 tape, and anti-biotic ointment so I could do my own dressing changes.

On July 18, 2018, Officer Nunn who was assigned to 20-dorm 1st shift

I-128 Front (Revised 11-2010)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Appendix G

COPY

told me X-rays and medical appointments were canceled. Upon Major

Perez's orders, Lt. Temple, Lt. Peralta, and Sgt. Backus were
retaliating against the elderly and handicapped Offenders; therefore,
subjecting me to physical injury of my leg (stump); and heat exhaustion
and stroke beginning August, 2017 when I got left behind in the intense heat.

Offender Signature: Shannon DouthettDate: 7-30-2018**Grievance Response:**

A review of the Step 1 medical grievance has been completed regarding your complaint you have a heat sensitive condition of feeling dizzy starting in 2017. Also you complained of dizzy spells, along with stomach complications and nausea on 06/06/2018.

An appellate review of the medical grievance and clinical records show on 06/06/2018, you were seen by the provider you named on 06/06/2018, stating while carrying your properties during the shakedown you got hot and dizzy. The documentation reflects after cooling down you felt better. Also, your restriction was changed to no lifting over thirty (30) pounds. There is no indication you have submitted a Sick Call Request regarding this issue. The unit provider reviewed your lab data on 06/14/2018. All medications, restrictions, and treatments are ordered by the licensed medical provider based on their clinical findings at the time of the evaluation.

You are encouraged to work with the unit provider to ensure the best possible treatment for your health care needs. If you feel your situation requires further evaluation, you are advised to submit a Sick Call Request to the medical department.

STEP II MEDICAL GRIEVANCE PROGRAM
OFFICE OF PROFESSIONAL STANDARDS
TDCJ HEALTH SERVICES DIVISION

Signature Authority: _____

Date: 9/21/18Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

Shannon Douthitt #453033

Pack 1 Unit

2400 Wallace Pack Rd.

Navasota, TX 77868

Date: June 13, 2023

Re: 4:19-CV-01712

Dear Clerk:

United States Courts
Southern District of Texas
FILED

JUN 15 2023

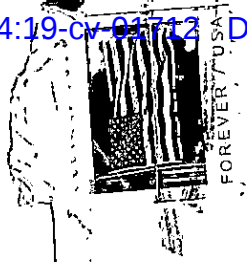
Nathan Ochser, Clerk of Court

-----Please find enclosed Plaintiff's 2nd Motion For Continuance Of
Discovery pursuant to Rule 56.

Please file and bring to the attention of the Court.

Thank You.


Shannon Mark Douthitt



Shannon Douthit 453033
Pack 1 Unit
2400 Wallace Pack Rd.
Navasota, TX 77868

Legal

United States Court
Southern District of Texas

FILED

JUN 15 2023

Nathan Ochsmier, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

P.O. Box 61010
Houston, Texas 77208